



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Thursday, the Sixteenth day of November Two Thousand and Seventeen

PRESENT

WEB COPY

THE HONOURABLE MR. JUSTICE G.R. SWAMINATHAN

C.M.A. (MD) No.1456 of 2016

Branch Manager,
United India Insurance Company Limited,
Nagercoil. ... Appellant/Respondent No.2

Vs.

1.K.Thangaraj ...Respondent No.1/Petitioner.
2.T.Sasikumar ...Respondent No.2/Respondent No.1
3.Rajagopalan Nair ...Respondent No.3/Respondent No.3
4.Branch Manager,
United India Insurance Company Limited,
Main Road, Marthandam,
Kanyakumari District ... Respondent No.4/Respondent No.4

Appeal filed under Section 173 of Motor Vehicles Act, 1988, to set aside the judgment and decree as against the appellant passed in M.C.O.P.No.970 of 2002, dated 31.01.2005, on the file of the Motor Accident Claims Tribunal, Additional District Judge, Fast Track Court No.I, Tirunelveli.

DECREE: This Civil Miscellaneous Appeal coming on for hearing on this day upon perusing the grounds of Appeal, the order of the Motor Accident Claims Tribunal, Additional District Judge, Fast Track Court No.1, Tirunelveli and material papers, this Appeal coming on for hearing arguments of Mr.S.Muthalraj, Advocate for the Appellant herein and Respondent No.4 having not appeared either in person or by an Advocate, Respondent No.1-Expired, this Court while allowing the appeal in part and in modification of the award of the Tribunal below, doth order and decree as follows:

(i) That the Second Respondent/1st Respondent be and hereby is directed to deposit the entire compensation amount of Rs.2,40,000/- (Rupees Two Lakhs and Fourty Thousand Only) with interest at the rate of 7.5% per annum with costs, from the date of petition till the date of realization, within a period of eight weeks from the date of receipt of copy of this order, less the amount already deposited, if any;

(ii) That on such deposit, the Claimant/1st Respondent be and hereby is entitled to withdraw the same, less the amount already



withdraw by them, if any, by filing proper application before the Tribunal;

(iii) That the Appellant/Insurance Company be and hereby is permitted to withdraw the same;

(iv) and, that there be no costs in this Civil Miscellaneous Appeal.

Sd/-
Assistant Registrar(Cs-III)

/True Copy/

Sub Assistant Registrar

To

1. The Additional District Judge, FTC No.I,
Motor Accident Claims Tribunal,
Tirunelveli.

2 The Branch Manager,
United India Insurance Company Limited,
Main Road, Marthandam,
Kanyakumari District.

Copy to:

The Record Keeper,
Vernacular Section,
Madurai Bench of Madras High Court,
Madurai.(2 Copies).

+1CC to Mr.S.Muthalraj, Advocate, SR.No. 87642

ORDER DATE : 16.11.2017

DECREE

C.M.A.(MD)No.1456 of 2016

Nature of the DECREE:

The Civil Miscellaneous Appeal is allowed and modified preferred against the award dated 31.01.2005, made in MCOP No. 970 of 2002, on the file of the Motor Accident Claims Tribunal, Additional District Judge, Fast Track Court No.1, Tirunelveli etc., as stated within.